

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
CLARKSBURG**

UNITED STATES OF AMERICA,

Plaintiff,

v.

JACK CARL RICE,

Defendant.

**Criminal Action No.: 1:20-CR-7
(JUDGE KLEEH)**

ORDER GRANTING GOVERNMENT'S MOTION TO DETAIN

On February 12, 2020, came the United States of America by David Perri, Assistant United States Attorney, and came Defendant, Jack Carl Rice, in person and by his counsel, Brian Kornbrath, Federal Public Defender, for an initial appearance, an arraignment, and plea hearing on an information filed in this case on February 6, 2020, (ECF No. 4). At the hearing, the Government made and Oral Motion to Detain (ECF No. 15) in accordance with the Bail Reform Act, Title 18, United States Code, Section 3142(f).

Defendant's attorney represented to the court that Defendant agreed to waive his right to a detention hearing at this time but reserved the right to exercise his right to a detention hearing in this matter if and when circumstances of his detention change. Defendant then executed a written waiver of the right to a detention hearing this date, which was ordered filed herein. The Court proceeded to inform Defendant that he is entitled to a detention hearing and his rights regarding the same. After inquiry, the Court finds that Defendant, upon consultation with his attorney, knowingly and intelligently waives his right to a detention hearing in this matter at this time. Defendant was informed of and acknowledged his right to remain in the custody of the United States Marshal Service pending sentencing in this matter. However, Defendant and Defense

Counsel requested he be returned to the custody of the State of West Virginia. The Government did not object. Defendant, accordingly, waived his right to remain in the custody of the United States Marshal Service.

Based upon the knowing and intelligent waiver of Defendant of a detention hearing in the in this matter, the Government's Oral Motion for Detention (ECF No. 15) is hereby **GRANTED**.

Accordingly, if Defendant should be released from the custody of the State of West Virginia, Defendant shall be temporarily detained in the custody of the United States Marshal Service pending a full detention hearing and it is hereby **ORDERED** that:

1. The Defendant is **REMANDED to the custody of the United States Marshal to be returned to the custody of the State of West Virginia** pending further proceedings in this case;
2. The Defendant be confined in a facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;
3. The Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel;
4. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility in which defendant is confined shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding; and
5. Any Party seeking revocation or amendment of this Order shall file a motion pursuant to 18 U.S.C. § 3145.

It is so **ORDERED**.

The Clerk of the Court is **DIRECTED** to provide a copy of this Order to all counsel of record, as applicable, as provided in the Administrative Procedures for Electronic Case Filing in the United States District Court for the Northern District of West Virginia.

DATED: February 13, 2020



MICHAEL JOHN ALOI
UNITED STATES MAGISTRATE JUDGE